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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,275	12/06/2001	Gerd Konrad Bayer	DE920000090US1	3365

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FERENCE & ASSOCIATES
409 BROAD STREET
PITTSBURGH, PA 15143

EXAMINER

FAROOQ, MOHAMMAD O

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,275

Applicant(s)

BAYER ET AL.

Examiner

Mohammad O. Farooq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1,3, 12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. U.S. Pat. No. 6,801,927.

2. As to claim 1, Smith et al. teach method, characterized by the steps of:

operating a local memory (items 123 and 124, fig. 1) being associated with the network coupling adapter as a cache memory (item ¹²⁴~~123~~, fig. 1) relative to a system memory (item, 123, fig. 1) for storing transmission control information (communication protocol stack is a common protocol stack, item 134, fig. 1 including TCP/IP which is stored in the working memory as a part of working memory, item 124, fig. 1; col. 5, lines 6-37; col. 5, line 51 – col. 6, line 26), wherein information other than transmission control information is stored in the system memory (non-volatile memory, item 123, fig. 1, contains data and code which is other than transmission control information; col. 5, lines 38-50).

3. As to claim 3, Smith et al. teach method comprising the steps of using said transmission control for the processing of queues or queue pairs (col. 8, lines 55-67).

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4. As to claim 12, Smith et al. teach network coupling element comprising a local memory being operable as a cache memory (items 133 and 123, fig. 1) relative to said interconnected memory (fig. 1; col. 5, line 39 – col. 6, line 43).

5. As to claim 14, Smith et al. teach system comprises a local memory being operable as a cache memory (items 133 and 123, fig. 1) for storing transmission control information (fig. 1; col. 5, line 39 – col. 6, line 43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. U.S. Pat. No. 6,801,927 in view of Pettey et al. U.S. Pat. No. 6,594,712.

7. As to claim 2, Smith et al. do not teach InfiniBand Architecture.

Pettey et al. teach InfiniBand Architecture (abstract; col. 3, line 1 – col. 4, line 22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Smith et al. and Pettey et al. because that would avoid the reduction in usable bandwidth of local bus of the system (col. 3, lines 20-28).

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8. As to claim 4, Smith et al. teach method comprising the steps of using said transmission control for the processing of completion queue (col. 8, lines 55-67).
9. As to claim 5, Smith et al. teach method comprising the steps of using said transmission control for processing of address translation and protection tables (inherent because of connections between adapter and server; and adapter and clients; col. 5, lines 51-62).
10. As to claim 6, Smith et al. teach method comprising the steps of using said local memory for connecting at least one computer device (i.e. server) to a network (i.e. between adapter and clients; col. 5, lines 51-62).
11. As to claim 7, Smith et al. teach method comprising the steps of using said transmission control information for bundled per queue or queue pair (col. 8, lines 55-67).
12. As to claim 8, Smith et al. teach method comprising the steps of configuring said cache memory not to discard transmission control information for particular queues after casting-out (col. 6, line 52- col. 7, line 15; col. 8, lines 55-67).
13. As to claim 9, Smith et al. teach method comprising the step of writing said transmission control information to the local memory (col. 5, line 39 – col. 6, line 43).

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However, Smith et al. do not teach InfiniBand. Pettey et al. teach InfiniBand Architecture (abstract; col. 3, line 1 – col. 4, line 22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Smith et al. and Pettey et al. because that would provide translation of virtual addresses of multiple different remote nodes for the network (col. 4, lines 47-54).

14. As to claim 10, Smith et al. teach method comprising the steps of using said previous steps for connecting a plurality of I/O hardware devices associated with a computing device (inherent since connections of clients, server and adapter; col. 5, line 39 – col. 6, line 43).

15. As to claim 11, Smith et al. teach method comprising the steps of using said previous step for providing communication channels for interprocess communication between a plurality of process associated with one or more computing devices (inherent since connections of clients, server and adapter; col. 5, line 39 – col. 6, line 43).

16. As to claim 13, Smith et al. teach network coupling element comprising a local memory being operable as a cache memory (items 133 and 123, fig. 1) relative to said interconnected memory (fig. 1; col. 5, line 39 – col. 6, line 43).

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However, Smith et al. do not teach InfiniBand Architecture. Pettey et al. teach InfiniBand Architecture (abstract; col. 3, line 1 – col. 4, line 22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Smith et al. and Pettey et al. because that would provide translation of virtual addresses of multiple different remote nodes for the network (col. 4, lines 47-54).

Response to Arguments

17. Applicant's arguments filed May 10, 2005 have been fully considered but they are not persuasive.

18. The examiner disagrees with the applicants remarks the reference Smith et al. do not anticipate claim 1 of the application. It should be noted that the reference(s) must be considered as a whole. The reference Smith et al. do teach relieving the CPU of the connection management burden (col. 1, lines 52-55). In the reference, the adapter card comprised of proxy cache (item 133, fig. 1) and communication protocol stack (item 134; fig. 1); and this protocol stack includes transmission control protocol stack (col. 5, line 6-38). Since claims are to be given broadest reasonable interpretation, then one can consider item 124, in fig. 1 as the cache memory storing transmission control information; and item 123, in fig.1 as the system memory or non-volatile memory wherein other than transmission control information is stored such as data and code as the applicants claim to be the invention in claim 1.

The reference Smith et al. teach network adapter card and Petty et al. teach infiniband channel adapter and therefore, it would be obvious to combine and would produce expectation of success. Furthermore, the motivation to combine the references is in col. 3, lines 20-28 of the Petty et al. reference. Therefore, combining the references would obviously produce the claimed invention to one of ordinary skill in the art.

After considering all of the above facts, the examiner has retained the rejection of previously rejected claims.

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19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad O. Farooq
July 27, 2005



KIM HUYNH
PRIMARY EXAMINER
8/2/05